

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
**CAROL A. FANG**  
 TOWNSEND AND TOWNSEND AND CREW LLP  
 TWO EMBARCADERO CENTER, 8TH FLOOR  
 SAN FRANCISCO, CA 94111

**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
 THE INTERNATIONAL SEARCH REPORT AND  
 THE WRITTEN OPINION OF THE INTERNATIONAL  
 SEARCHING AUTHORITY, OR THE DECLARATION**

(PCT Rule 44.1)

*014058 - 018410 PC*

Date of mailing **22 MAR 2005**

Applicant's or agent's file reference  
**14058-184-1P**

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.  
**PCT/US04/18529** ✓

International filing date  
 (day/month/year) **09 June 2004 (09.06.2004)** ✓

Applicant  
**CORIXA CORPORATION** ✓

1.  The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**  
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes 1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35

**For more detailed instructions**, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US  
 Mail Stop PCT, Attn: ISA/US  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 Facsimile No. (703) 305-3230

Authorized officer

*Jennifer Denison*

Telephone No. **571-272-0507**

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

**Search Report Rec'd 3-22-05**  
**Article 19 Amendment 5-22-05**  
**File IDS in U.S. 6-22-05**  
**Response to Written Opinion**  
**8-22-05**

*CD*

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 14058-184-1P	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US04/18529	International filing date (day/month/year) 09 June 2004 (09.06.2004)	(Earliest) Priority Date (day/month/year) 09 June 2003 (09.06.2003)
Applicant CORIXA CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the Report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b.  With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

Certain claims were found unsearchable (See Box No. II)

Unity of invention is lacking (See Box No. III)

4. With regard to the title,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the abstract,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. \_\_\_\_\_

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b.  none of the figures is to be published with the abstract.

**INTERNATIONAL SEARCH REPORT**

International application No.

PCT/US04/18529

**Box No. I Nucleotide and/or amino acid sequence(s) (Continuation of item 1.b of the first sheet)**

1. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, the international search was carried out on the basis of:

a. type of material

a sequence listing  
 table(s) related to the sequence listing

b. format of material

in written format  
 in computer readable form

c. time of filing/furnishing

contained in the international application as filed  
 filed together with the international application in computer readable form  
 furnished subsequently to this Authority for the purposes of search

2.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

3. Additional comments:

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/18529

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : C12N 15/00, 15/09, 5/10, 15/63, 15/74  
 US CL : 435/320.1, 325, 252.3, 455, 471

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

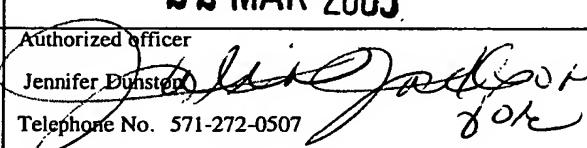
U.S. : 435/320.1, 325, 252.3, 455, 471

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
 Please See Continuation Sheet

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	XU et al. Optimization of Transcriptional Regulatory Elements for Constructing Plasmid Vectors. July 2001, Vol. 272, No. 1-2, pages 149-156, especially Figures 2 and 4, and sections 2.3 and 3.2.	1, 8, 12, 15, 16, 22 -----
---		7, 17, 18, 23-25
Y		
X	US 6,534,482 (FIKES et al) 18 March 2003 (18.03.2003), especially columns 12, 22-24, 30-32 and 36.	1-3, 8, 12, 15 -----
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Y		7, 17, 18, 23-25
Y	WANG et al. L523S, An RNA-Binding Protein as a Potential Therapeutic Target for Lung Cancer. March 2003, Vol. 88, No. 6, pages 887-894.	7, 23-25
Y	US 5,547,932 (CURIEL et al) 20 August 1996 (20.08.1996), especially column 36.	24, 25
A	GARMORY et al. DNA Vaccines: Improving Expression of Antigens. Genetic Vaccines and Therapy ( <a href="http://www.gvt-journal.com/content/1/1/2">http://www.gvt-journal.com/content/1/1/2</a> ) September 2003, Vol. 1, page 2.	1-25

<input type="checkbox"/>	Further documents are listed in the continuation of Box C.	<input type="checkbox"/>	See patent family annex.
*	Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E"	earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed		
Date of the actual completion of the international search		Date of mailing of the international search report	
03 March 2005 (03.03.2005)		22 MAR 2005	
Name and mailing address of the ISA/US		Authorized officer	
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450		Jennifer Dunster  Telephone No. 571-272-0507	
Facsimile No. (703) 305-3230			

**INTERNATIONAL SEARCH REPORT**

International application No.  
PCT/US04/18529

Continuation of B. FIELDS SEARCHED Item 3:  
EAST, MEDLINE EMBASE, BIOSIS, CAPLUS, UNIPROT, PIR\_79, GENEMBL

search terms: SEQ ID NO: 3, SEQ ID NO: 6, cmv, promoter, enhancer, intron A, immediate early, polya, polyadenylation, cancer vaccine, L523S, pCRXA20

**PATENT COOPERATION TREATY**

From the  
**INTERNATIONAL SEARCHING AUTHORITY**

To:  
**CAROL A. FANG**  
**TOWNSEND AND TOWNSEND AND CREW LLP**  
**TWO EMBARCADERO CENTER, 8TH FLOOR**  
**SAN FRANCISCO, CA 94111**

**PCT**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	<b>22 MAR 2005</b>
Applicant's or agent's file reference		<b>FOR FURTHER ACTION</b> See paragraph 2 below	
14058-184-1P			
International application No.	International filing date (day/month/year)		Priority date (day/month/year)
PCT/US04/18529	09 June 2004 (09.06.2004)		09 June 2003 (09.06.2003)
International Patent Classification (IPC) or both national classification and IPC			
IPC(7): C12N 15/00, 15/09, 5/10, 15/63, 15/74 and US Cl.: 435/320.1, 325, 252.3, 455, 471			
Applicant			
CORIXA CORPORATION			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

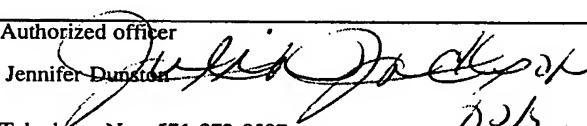
2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Jennifer Dungton Telephone No. 571-272-0507
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Form PCT/ISA/237 (cover sheet) (January 2004)

8-22-05

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/18529

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

in written format

in computer readable form

c. time of filing/furnishing

contained in international application as filed.

filed together with the international application in computer readable form.

furnished subsequently to this Authority for the purposes of search.

3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/18529

**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>4-7, 9-11, 13, 14, 17-21 and 23-25</u>	YES
	Claims <u>1-3, 8, 12, 15, 16 and 22</u>	NO
Inventive step (IS)	Claims <u>4-6, 9-11, 13, 14 and 19-21</u>	YES
	Claims <u>1-3, 7, 8, 12, 15-18 and 22-25</u>	NO
Industrial applicability (IA)	Claims <u>1-25</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Please See Continuation Sheet

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/18529

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

**V. 2. Citations and Explanations:**

Claims 1, 8, 12, 15, 16 and 22 lack novelty under PCT Article 33(2) as being anticipated by Xu et al. Xu et al teach an expression vector comprising a CMV promoter/enhancer sequence, a CMV intron A sequence, a heterologous nucleic acid sequence, and a polyadenylation site, in the order recited, wherein the promoter is operably linked to the heterologous nucleic acid (e.g. Figures 2 and 4, section 3.2). Further, Xu et al teach a host cell comprising said vector (e.g. Figure 2; section 2.3). The host cells taught by Xu et al include HeLa, HepG2 and ECV304 mammalian cells (e.g. section 2.3). Moreover, Xu et al culture the host cells comprising said vector (e.g. Figure 2).

Claims 1-3, 8, 12 and 15 lack novelty under PCT Article 33(2) as being anticipated by Fikes et al. Fikes et al teach an expression vector comprising a CMV promoter/enhancer, a CMV intron A sequence, a heterologous nucleic acid sequence, and a polyadenylation site, in the order recited, wherein the promoter is operably linked to the heterologous nucleic acid sequence (e.g. column 30, lines 56-67; column 31, lines 1-27; column 32, lines 3-10 and 19-29). The intron A sequence used by Fikes et al consists of nucleotides 635-1461 and thus has a deletion from about base 1513 to about base 1736 (e.g. column 31, lines 16-18). Fikes et al teach the use of heterologous nucleic acids that encode cancer antigens (e.g. column 32, lines 19-29; column 12, lines 12-51). Fikes et al teach mouse muscle cells comprising said vector (e.g. column 36, lines 49-55).

Claims 17 and 18 lack an inventive step under PCT Article 33(3) as being obvious over Fikes et al in view of Xu et al. The teachings of Xu et al and Fikes et al are described above and applied as before. Fikes et al do not teach a method for expressing a heterologous sequence in culture. One would have been motivated to use the method of transfecting mammalian cells and culturing the transfected cells as taught by Xu et al to receive the expected benefit of being able to test the level of gene expression prior to administering the vector to an organism such as a mouse.

Claims 7 and 23 lack an inventive step under PCT Article 33(3) as being obvious over Fikes et al in view of Xu et al and further in view of Wang et al. The teachings of Fikes et al and Xu et al are described above and applied as before. Fikes and Xu et al do not teach a cancer antigen encoded by the nucleic acid sequence set forth in SEQ ID NO: 6 (L523S). Wang et al teach the use of L523S as a potential therapeutic agent for lung cancer and teach the expression of L523S from a plasmid vector (e.g. page 888; Discussion). One of skill in the art would have been motivated to insert the nucleic acid sequence encoding L523S into the vectors of Fikes et al because Fikes et al teach the use of cancer antigens and Wang et al teach that L523S is a cancer antigen. Moreover, one of skill in the art would have been motivated to express the cancer antigen in culture using the method of Xu et al in order to test the level of gene expression of the cancer antigen prior to administering the vector to an organism such as a mouse.

Claims 24 and 25 lack an inventive step under PCT Article 33(3) as being obvious over Fikes et al in view of Wang et al further in view of Curiel et al. The teachings of Fikes et al and Wang et al are described as above and applied as before, except Fikes et al further teach a method of eliciting an immune response, comprising administering an immunogenetically effective amount of the vector to a subject, wherein the immune response is directed to the polypeptide encoded by the heterologous nucleic acid sequence (e.g. columns 22-24). Curiel et al teach the introduction of a nucleic acid vector into an autologous cell *in vitro* followed by the administration of the cell to a subject to elicit an immune response for the treatment of cancer (e.g. column 36, lines 36-65). One of

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/18529

**Supplemental Box**

In case the space in any of the preceding boxes is not sufficient.

skill in the art would have been motivated to administer a mammalian cell, comprising the vector of Fikes et al containing the heterologous nucleic acid sequence encoding LS23S, to a subject in order to receive the expected benefit of treating lung cancer. Furthermore, it would be obvious to one of skill in the art to administer the cells multiple times in order to increase the immune response to the delivered antigens.

Claims 4-6, 9-11, 13-14 and 19-21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest an expression cassette comprising the sequence set forth in SEQ ID NO: 3.

Claims 1-25 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

## NOTESTOFORMPCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How ?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments ?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### **"Statement under Article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### **Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

### **Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.